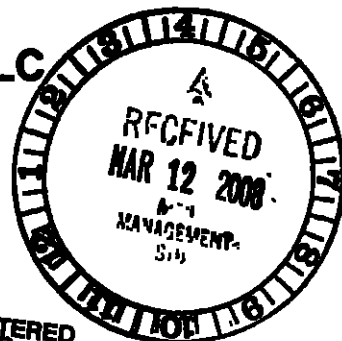


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March 12, 2008

ENTERED
Office of Proceedings

MAR 12 2008

Part of
Public Record

Anne K. Quinlan, Acting Secretary
Surface Transportation Board
395 E. Street S.W.
Washington, DC 20423-0001

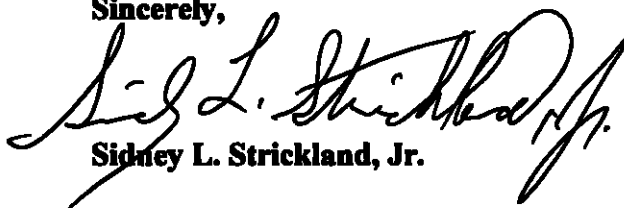
**Re: STB Docket No. AB-6 (Sub-No. 430X) BNSF Railway Company—
Abandonment Exemption—in Oklahoma County, OK**

Dear Acting Secretary Quinlan:

Enclosed for filing in the above referenced docket are an original and ten copies of a BNSF Reply to Supplement to Comments of Edwin Kessler Filed February 22, 2008 and Related Reply of Edwin Kessler to BNSF's Reply to February 7, 2008 Chairman Order.

Please acknowledge receipt of this material by date stamping the enclosed copy of this letter and returning it to me in the enclosed self-addressed stamped envelope.

Sincerely,



Sidney L. Strickland, Jr.

Encs.

cc: John Sims

**BEFORE THE
SURFACE TRANSPORTATION BOARD**



**BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN OKLAHOMA COUNTY, OK**

**STB DOCKET NO. AB-6
(SUB-NO. 430X)**

**BNSF Reply to Supplement to Comments of Edwin Kessler Filed February 22, 2008
and Related Reply of Edwin Kessler to BNSF's Reply to February 7, 2008
Chairman Order**

**BNSF RAILWAY COMPANY
2650 Lou Menk Drive
P.O. Box 96157
Fort Worth, TX 76161-0057**

**By: SIDNEY L. STRICKLAND, JR
SIDNEY STRICKLAND AND ASSOCIATES
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Attorneys for BNSF Railway Company

DATED: March 12, 2008

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN OKLAHOMA COUNTY, OK**

**STB DOCKET NO. AB-6
(SUB-NO. 430X)**

**BNSF Reply to Supplement to Comments of Edwin Kessler Filed February 22, 2008
and Related Reply of Edwin Kessler to BNSF's Reply to February 7, 2008
Chairman Order**

BNSF RAILWAY COMPANY ("BNSF") hereby replies to the Supplement to Comments of Edwin Kessler filed February 22, 2008 and related reply of Edwin Kessler to BNSF's Reply to February 7, 2008 Chairman Order. In his Supplement to Comments, Mr. Kessler essentially repeats his earlier allegations that BNSF has engaged J.B.F. Tie and Rail Co. to begin dismantling the line; but he now seems to suggest that the alleged contract is with JVS Tie and Rail Company.

BNSF has checked Mr. Kessler's new assertions and has found them to be inaccurate. In this regard, BNSF stands by its previous representations that BNSF forces had cut the line on January 25, 2008, during a time in which BNSF had

authority to seek to consummate the abandonment and has not conducted any salvage work since that time. BNSF also stands by its previous representations that BNSF has not issued a signed contract for the salvage work and does not intend to do so until receiving this Board's permission to move forward on consummating the abandonment.

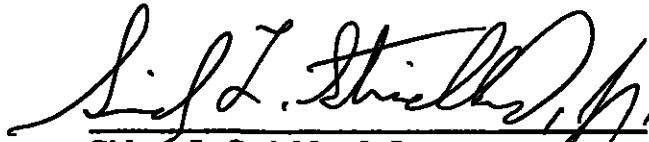
Kessler's submissions also seem to suggest BNSF can only serve Producers Coop via the line to be abandoned and questions BNSF's ability to serve Producers Coop via the Red Rock Subdivision. In support, Kessler has shown photos (Exhibits 14-1 through 14-6) that allegedly show movements to Producers Coop on 2-27-07 via the line to be abandoned instead of the Red Rock Subdivision. There are evidentiary problems with the exhibits. First, the shadow markings in the 14-1 exhibit seem to show movement along a north-south direction of track, instead of an east-west direction. Secondly, the BN box car in exhibit 14-2 does not appear to be the same BN box car in Exhibit 14-3, as there are a different set of graffiti markings on the BN box car in Exhibit 14-3 that are not on the BN box car in Exhibit 14-2 and vice versa. Also, the box car in front of the BN box car in Exhibit 14-3 is a purple box car with the Santa Fe logo on the right corner, the car that appears in front of the BN box car in Exhibit 14-2 is an orange colored rail box car without any Santa Fe logo. Thus, there is no reliable evidence that the cars in exhibit 14-1 are indeed on the line to be abandoned or that the cars in the plant in exhibit 14-3 are the cars in exhibit 14-1 or exhibit 14-2.

As to how BNSF utilizes the Red Rock Subdivision, the answer is briefly as follows: BNSF pulls cars from the south on the Red Rock Subdivision onto the

Shields Spur and then accesses the Producers Coop switch and industrial spur and then backs the rail cars into the Producers Coop facility. See the attached map and follow the orange line and arrows.

BNSF respectfully urges the Board to accept the present BNSF Reply to Supplement to Comments of Edwin Kessler Filed February 22, 2008 and Related Reply of Edwin Kessler to BNSF's Reply to February 7, 2008 Chairman Order .

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sidney L. Strickland, Jr.", is written over a horizontal line.

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**ATTORNEYS FOR BNSF RAILWAY
COMPANY**

CERTIFICATE OF SERVICE

BNSF Railway Company by and through its counsel, Sidney L. Strickland, Jr., certifies that on March 12, 2008, BNSF served a copy of the foregoing "BNSF Reply to Supplement to Comments of Edwin Kessler Filed February 22, 2008 and Related Reply of Edwin Kessler to BNSF's Reply to February 7, 2008 Chairman Order" by mailing copies thereof by first-class mail to Edwin Kessler at: Common Cause *Oklahoma*, 1510 Rosemont Drive, Norman, Oklahoma, 73072, and to Karl Morell at: Ball Janik LLP, 1455 F Street N.W., Suite 225, Washington, D.C. 20005, and to Fritz Kahn, 8th Floor 1920 N Street, NW, Washington, DC 20036-1601.



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**Attorneys for:
BNSF RAILWAY COMPANY**

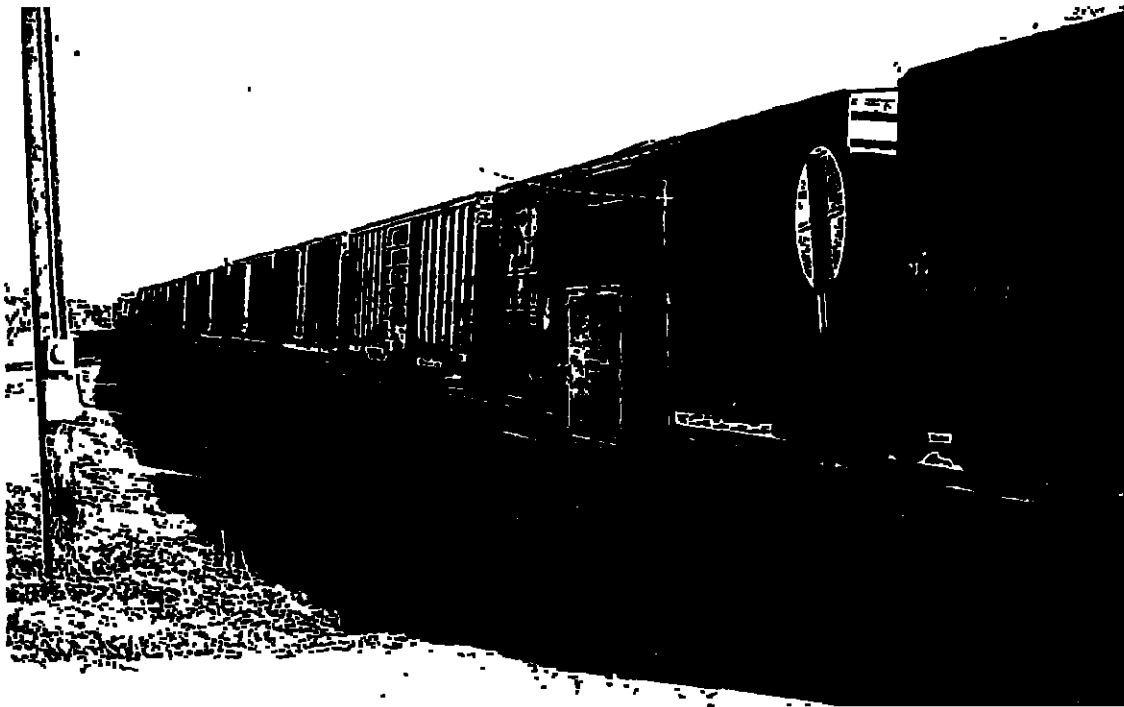


EXHIBIT 14 - 1: BNSF CONSIST ON FRISCO LINE AT MP 540.20 ON 2-27-07



EXHIBIT 14 - 2: BNSF CONSIST ON FRISCO LINE AT MP 540.20 ON 2-27-07

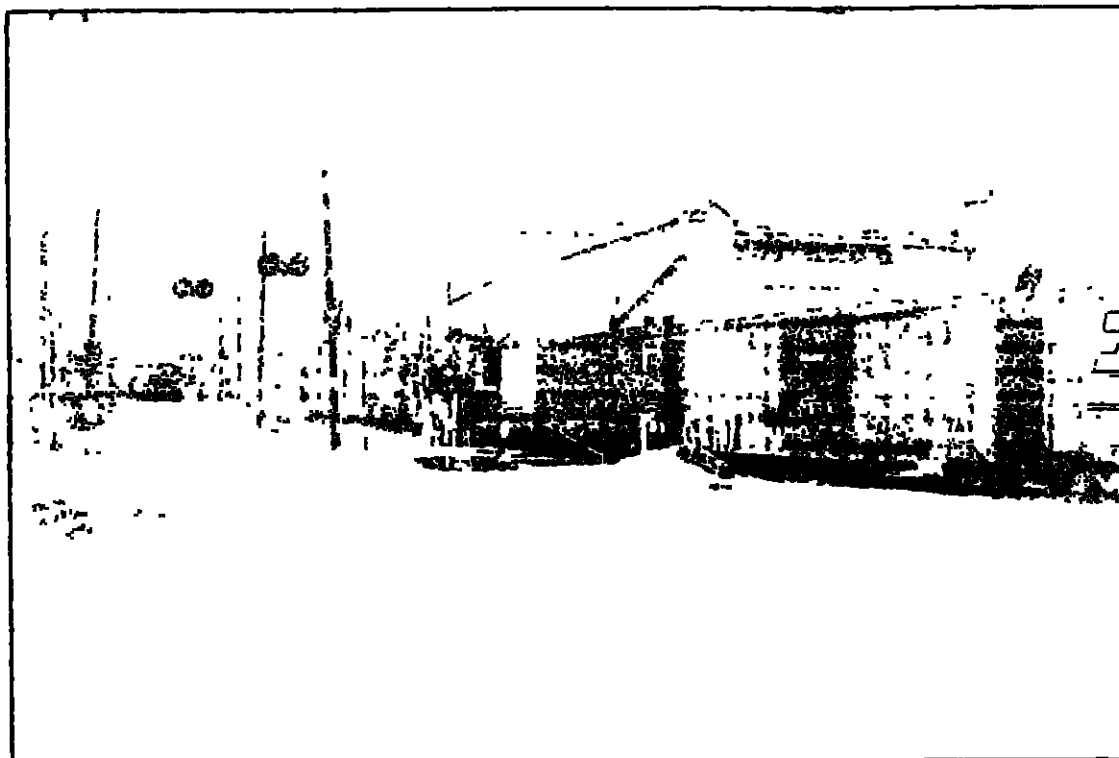


EXHIBIT 14 - 3: BNSF DELIVERING CONSIST ON CO-OP SPUR ON 2-27-07

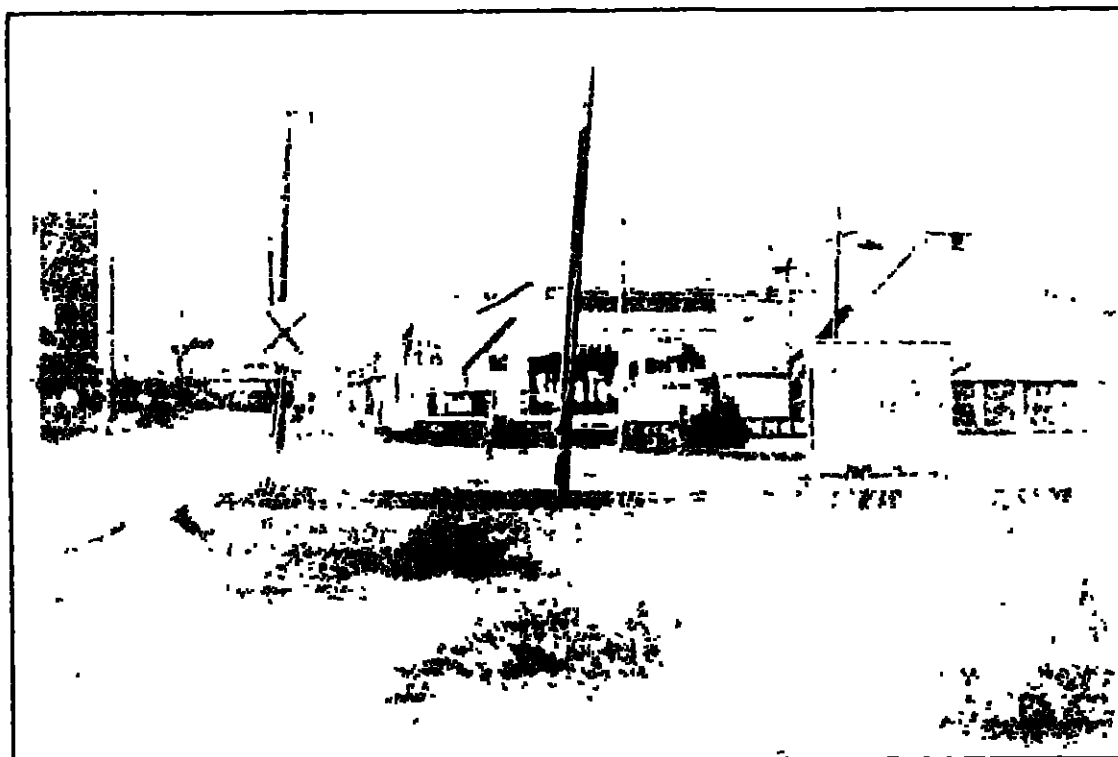
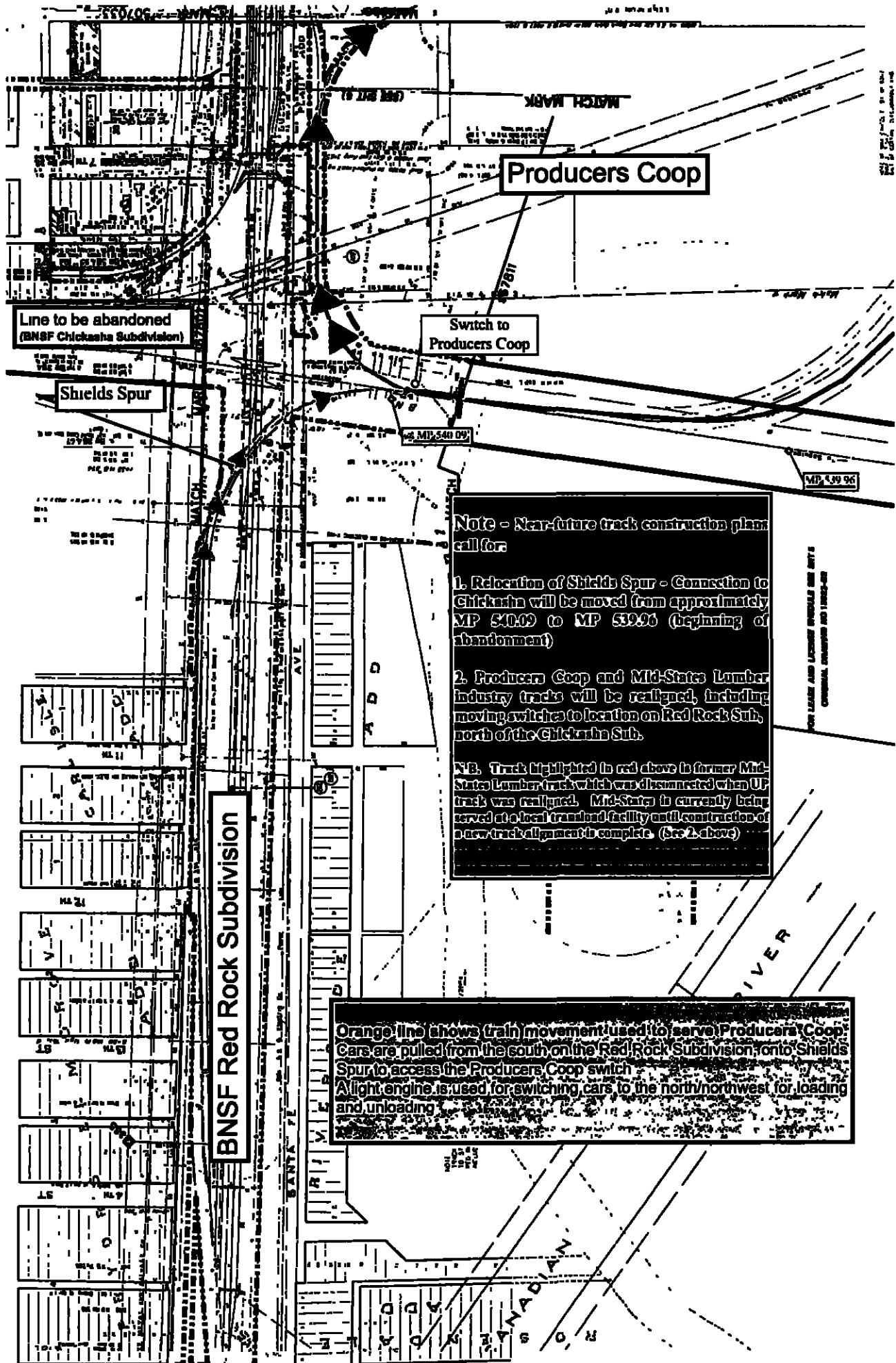


EXHIBIT 14 - 4: BNSF DELIVERING CONSIST ON CO-OP SPUR ON 2-27-07



Producers Coop

Line to be abandoned
(BNSF Chickasha Subdivision)

Switch to
Producers Coop

Shields Spur

MP 540.09

MP 539.96

Note - Near-future track construction plans call for:

1. Relocation of Shields Spur - Connection to Chickasha will be moved from approximately MP 540.09 to MP 539.96 (beginning of abandonment)
2. Producers Coop and Mid-States Lumber Industry tracks will be realigned, including moving switches to location on Red Rock Sub, north of the Chickasha Sub.

N.B. Track highlighted in red above is former Mid-States Lumber track which was disconnected when UP track was realigned. Mid-States is currently being served at a local transload facility until construction of a new track alignment is complete. (see 2. above)

BNSF Red Rock Subdivision

Orange line shows train movement used to serve Producers Coop. Cars are pulled from the south on the Red Rock Subdivision onto Shields Spur to access the Producers Coop switch. A light engine is used for switching cars to the north/northwest for loading and unloading.